

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION**

---

**JOHN GARLAND, individually, and  
on behalf of all others similarly situated,**

**Plaintiffs,**

**v.**

**No.: 1:09-CV-01067-STA-egb**

**WAL-MART STORES, INC.,**

**CLASS ACTION**

**Defendant.**

**JURY DEMANDED**

---

**ORDER CERTIFYING SETTLEMENT CLASS**

---

This matter comes before the Court upon the joint request of Plaintiff, John Garland (“Plaintiff”), the putative Class Members, and Defendant, Wal-Mart Stores, Inc. (“Wal-Mart”), for an Order Certifying Settlement Class, and having considered the papers submitted to the Court and the proceedings to date, the Court finds as follows:

1. Plaintiff, the putative Class Members, and Wal-Mart (collectively referred to as “the Parties”) agree to the certification of the following class for settlement purposes only:

All consumers who, between October 8, 2008 and April 3, 2009, initiated an electronic funds transfer and were charged a one-dollar (\$1.00) fee for withdrawing funds from the ATM located within the Wal-Mart store at 2196 Emporium Dr. (Store No. 335), Jackson, Tennessee.

2. The Parties and Class Counsel agree that, if approved, certification of the above-defined Settlement Class is a conditional certification for settlement purposes only and is in no way an admission by Wal-Mart that class certification is proper in this case or in any other litigation against Wal-Mart.

3. The Parties and Class Counsel further agree that this Settlement Class shall not be used as a basis to claim class status or seek class certification in this or in any other case and is not intended to be admissible in any judicial, arbitral, administrative, investigative, or other court, tribunal, or forum, in proceedings regarding or relating to the propriety of class certification or collective or representative treatment.

4. The Parties further agree that in the event this Settlement Class does not become final for any reason, then Wal-Mart retains its right to object to the conditional certification of this case as well as any other class action under the Due Process Clause or any other applicable rule, statute, law, or provision.

THEREFORE, IT IS HEREBY ORDERED:

A. That the proposed conditional Settlement Class is certified;

B. The Settlement Class consists of:

All consumers who, between October 8, 2008 and April 3, 2009, initiated an electronic funds transfer and were charged a one-dollar (\$1.00) fee for withdrawing funds from the ATM located within the Wal-Mart store at 2196 Emporium Dr. (Store No. 335), Jackson, Tennessee;

C. Certification of the above-defined Settlement Class is a conditional certification for settlement purposes only, and is in no way an admission by Wal-Mart that class certification is proper in this case or in any other litigation against Wal-Mart;

D. The certification of this Settlement Class shall not be used as a basis to claim class status or seek class certification in this or in any other case and is not intended to be admissible in other proceedings; and

E. In the event that this Settlement Class does not become final for any reason, then Wal-Mart retains its right to object to the conditional certification of this case as well as any

other class action under the Due Process Clause or any other applicable rule, statute, law, or provision.

IT IS SO ORDERED.

Entered this 17th day of March, 2010.

**s/ S. Thomas Anderson**  
S. THOMAS ANDERSON  
U.S. DISTRICT JUDGE

APPROVED FOR ENTRY:

s/ J. Brandon McWherter  
Justin S. Gilbert (17079)  
J. Brandon McWherter (21600)  
Clinton H. Scott (23008)  
GILBERT RUSSELL McWHERTER PLC  
101 North Highland  
Jackson, Tennessee 38301  
Telephone: (731) 664-1340  
Facsimile: (731) 664-1540

*Attorneys for Plaintiffs*

s/ Glen G. Reid, Jr.  
Glen G. Reid, Jr. (08184)  
Robert L. Crawford (7216)  
Kacey L. Faughnan (24421)  
WYATT, TARRANT & COMBS, LLP  
1715 Aaron Brenner Drive, Suite 800  
Memphis, TN 38120  
Telephone: (901) 537-1000  
Facsimile: (901) 53-1010

*Attorneys for Defendant  
Wal-Mart Stores, Inc.*